

**THE COMMON COUNCIL OF THE CITY OF NEW ALBANY,
INDIANA HELD A MEETING IN THE CITY/COUNTY BUILDING
ON MONDAY, JANUARY 9, 2006.**

The meeting of the **New Albany City Council** was called to order by President Jeff Gahan at 7:38 pm. The meeting opened with the Lord's Prayer and the Pledge of Allegiance.

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Schmidt, Mr. Price, Mr. Kochert, Ms. Crump, Mr. Blevins, Mr. Messer, Mr. Seabrook, and President Jeff Gahan.

OTHERS: City Attorney Shane Gibson and City Clerk Marcey Wisman.

ALSO: John Rosenbarger, Adam Dickey, Scott Wood, Planning and Zoning, Brian Dixon, EMC, Paul Wheatley, Economic Development Director, Tony Toran, Director of City Operations and Mayor James E. Garner, Sr.

ELECTION OF OFFICERS:

Mr. Gahan announced it is time for the nomination of officers.

Mrs. Crump nominated Mr. Gahan, Mr. Messer second,

Mr. Price nominated Mr. Coffey, Mr. Schmidt second,

With a vote of 6 (Mr. Kochert, Mrs. Crump, Mr. Blevins, Mr. Messer, Mr. Seabrook and Mr. Gahan) to 3 (Mr. Coffey, Mr. Schmidt and Mr. Price) by show of hands Mr. Gahan was elected president.

Mr. Gahan asked for nominations for Vice President.

Mr. Messer elected Mr. Blevins for Vice President, Mrs. Crump second

Mr. Price nominated Mr. Schmidt, Mr. Coffey second,

With a vote of 5 (Mrs. Crump, Mr. Blevins, Mr. Messer, Mr. Seabrook and Mr. Gahan) to 4 (Mr. Coffey, Mr. Schmidt, Mr. Price and Mr. Kochert) by show of hands Mr. Blevins was elected vice president.

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mrs. Crump moved to approve, Mr. Messer second,

Mr. Coffey stated that he would like an asterisk comment at the end of the Comments for City Officials stating that a full discussion of Mr. Rosenbarger's comments regarding the available funds for the

Mrs. Crump moved to approve the minutes as amended, Mr. Coffey second, all voted in favor.

COMMUNICATIONS – PUBLIC:

Mickey Thompson, 759 Linden Street, stated that he didn't believe that there should be a rate increase for sanitation. If they couldn't have a rate increase to save sanitation there should not be one to pay for the trucks or assist the new private company that took over sanitation.

Susan M. Johnson, 826 Elmwood Ave. spoke in favor of raising the sewer connection fees. She stated that she didn't believe this would be of any use for a while because there are still over flows and she doesn't believe that the EPA will give credits until these are repaired. She gave an overview of the problems with the different lines throughout the city. She stated that she didn't feel that the DSD PUD should be approved because she

does not believe the line will support the project. She encouraged the council to have redevelopment use money to pay for tap-ins for people who can not afford those them.

Dan Coffey stated that the first time homeowner money is no longer there. He stated that the bulk of the make up of the inner city is rental property and we need to have stricter rules to make the landlords pay for these sewer line repairs. He stated that there is only about \$280,000 in CDBG to be split among 10 groups and that doesn't leave much for what Mrs. Johnson is proposing.

There was a lengthy discussion regarding whether or not the rate percentage passed by the Overton Administration were appropriately set to support the sewer repairs.

Mr. Gahan asked Mr. Huckleberry if he has talked with his councilmen and the Mayor about his concerns prior to coming to this meeting and informed that if he got out of line he would ask him to sit down.

David Huckleberry, spoke to the elected officials about sticking to their campaign promises and doing what is right for the city. He also addressed his concerns with the sanitation contract.

COMMUNICATIONS – CITY OFFICIALS:

Valla Ann Bolovshak spoke on behalf of the Greenway commission and addressed rumors regarding the K & I Bridge. She stated that she has been working with the Mayors in the area and there is a possible \$100,000 to open the bridge for foot traffic on the bridge. She would like the council members to write letters to the railroad on her behalf asking for the right to use the bridge in this manner. She stated that if anyone was interested in doing this she would give them the names and addresses they would need to do so.

Chief Harl presented a document showing the gas use and how much the officers have contributed for gas this past year. He stated that he would sit down with anyone who would like to discuss this with him.

Mr. Coffey stated he would like to receive a copy of the contract for sanitation. He stated that he was up-set that it was on the internet prior to the council members receiving a copy.

Steve Price stated that Ken Pyle contacted him the other night regarding the need for private investors for the renovation of Moser Tannery and stated that if anyone was interested they should contact him.

Mrs. Crump asked if anyone else has received phone calls from people in their districts asking if they can hire their own private trash hauler.

Mr. Coffey stated that he did not believe that they could do that and that if they did they would still need to pay the monthly rate.

Mr. Schmidt asked if the recycling was only going to be picked up if the fee would be cut in half.

Mayor Garner explained that all the companies only proposed to pick up recycling twice a month and that the fee was included in the price of trash pick up. He stated that there is currently only about 30% participation in the program and if participation picks up they have talked about going back to a weekly pick up.

COMMUNICATIONS – MAYOR:

Mayor Garner stated that the Board of Works has copies of the contract for sanitation available if you ask for it. He also stated that he would have the final plans for Scribner Place ready sometime next month.

Mr. Coffey asked if the bonds had been sold for this project yet.

Mayor Garner stated that they have not they will not be sold until around March or April.

Mr. Coffey stated that he thought that the reason they needed the Ordinance passed so quickly last year was to get the bonds sold before the interest rates went up.

Mayor Garner explained that it takes five or six months to get the documents prepared.

Donnie Blevins asked if there would be a way to purchase a new garbage truck for the remaining Sanitation Department.

Mayor Garner stated that they could get with Mrs. Garry to see if there is money available for that.

APPOINTMENTS:

Mr. Gahan announced that they need to approve the Mayor's reappointment of David Barksdale to the Historic Preservation Commission.

All members voted in favor by show of hands.

Mr. Gahan stated that they also need to approve the Mayor's reappointment of Ted Fulmore to the Historic Preservation Commission.

All members voted in favor by show of hands.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: READING

R-06-01 Resolution Concerning Statement for the T. G. Missouri Corporation by the Common Council of the City of New Albany

Mr. Messer introduced R-06-01 and motioned for the reading by title only, Mr. Price second,

Mr. Rosenbarger explained the history of this tax abatement back to Diamond Billiards. He stated that the T. G. Missouri was of the belief that the property had a tax abatement when they bought the building, therefore, they did not apply for one. However, it was later discovered that the tax abatement that AML had applied for on behalf of Diamond billiards had been revoked when the deal fell through. He stated that the abatement would be retro for 2004 due in 2005 and that T. G. Missouri would get the remaining 9 years on the abatement.

Mr. Seabrook stated that he did not believe a tax abatement goes along with the purchase of a property.

Mr. Rosenbarger stated that it does go with the property. However, when the CF-1 is filed for the new company if they do not meet the standards of the prior company it could be rescinded by this body.

Mr. Coffey clarified that T. G. Missouri is currently receiving an abatement on their equipment, and they will be receiving 9 years of an abatement for the property improvements.

all voted in favor by show of hand.

G-06-01 An Ordinance Establishing Fees for Certain Animal

Control Services.

Mr. Kochert introduced G-06-01 and motioned for the first reading by title only, Mr. Messer second,

Mr. Hall addressed the board regarding the implementation and increase of fees and why that needs to be done. He explained the works of the shelter. He went over exhibit A which states the fees and costs.

There was a lengthy discussion regarding the increases.

all voted in favor.

Mr. Kochert asked Mr. Hall if this has been approved by the County.

Mr. Hall stated that he has already been approved by the County Commissioners.

Z-06-01 Ordinance Amending the Code of Ordinances of New
Albany, Indiana Title XV, Chapter 156 (Docket
P-20-05: Charlestown Crossing. LLC – Matthew’s
Center)

Mrs. Crump introduced Z-06-01 and motioned for the reading by title only, Mr. Coffey second,

Adam Dickey explained that this is an amendment to the PUD. He stated that Mr. McCartin would like to have all three readings this evening so that he can move forward with this project.

Mr. Coffey made a motion to amend the agenda, Mr. Kochert second, everyone voted in favor except for Mr. Gahan who voted nay, motion did not pass.

Mr. Gahan called for the vote. All voted in favor.

Mr. McCartin addressed the council regarding comments made by Mrs. Crump regarding a sewer tap problem he had at Lauren’s Corner. He stated that he felt that the zoning ordinance in New Albany is ridiculous and the businesses that are moving into his new development cannot open until this PUD is approved.

Z-06-02 Ordinance Amending the Code of Ordinances of New
Albany, Indiana Title XV, Chapter 156 (Docket
P-19-05: DSD Development, LLC)

Mrs. Crump introduced Z-06-02 and motioned for the first reading by title only, Mr. Kochert second, Mr. Kochert, Mrs. Crump, Mr. Blevins, Mr. Messer, Mr. Seabrook and Mr. Gahan voted aye, Mr. Coffey, Mr. Schmidt and Mr. Price abstained.

G-05-17 An Ordinance Amending Section 51.102 of the
New Albany City Code Establishing and Setting
Sanitary Sewer Connection Fees

Mr. Seabrook introduced G-05-17 and motioned for the third reading by title only, Mr. Kochert second, all voted in favor. Bill G-06-01 became ordinance G-06-01.

Mr. Price said to pull R-05-38 for the tabled ordinances.

Mr. Gahan stated that he would make appointments at the next meeting.

ADJOURN

There being no further business before the board, the meeting adjourned at 9:04 p.m.

New Albany Common Council
January 9, 2006

Jeff Gahan, President
Common Council, City of New Albany

ATTEST:_____
Marcey J. Wisman, City Clerk